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PTO/SB/21 (12-07)  
Approved for use through 12/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/681,586	
	Filing Date	May 2, 2001	
	First Named Inventor	Victor V. GOGOLAK	
	Art Unit	3626	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	11	Attorney Docket Number	597932000200

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ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input checked="" type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Copy of Date-Stamped Return Receipt Postcard 2. Copy of Response to Notice to File Missing Parts as originally filed 3. Copy of Declaration as filed 4. Return Receipt Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Peter J. Davis		
Date	December 28, 2007	Reg. No.	36,119



PTO/SB/64 (12-07)  
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
597932000200

First named inventor: Victor V. GOGOLAK

Application No: 09/681,586

Art Unit: 3626

Filed: May 2, 2001

Examiner: Not Yet Assigned

Title: METHOD FOR GRAPHICALLY DEPICTING DRUG ADVERSE EFFECT RISKS

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**OFFICE OF PETITIONS**

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1,540.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of Response to Notice of Missing Parts (identify type of reply):

☒ has been filed previously on June 18, 2001

☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_

☐ is enclosed herewith.

12/31/2007 JADD01 00000126 031952 01681506  
01 FC:1453 1540.00 DA

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

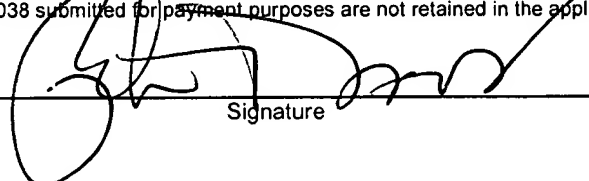
## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
\_\_\_\_\_  
Signature

December 28, 2007

Date

Peter J. Davis

Typed or printed name

36,119

Registration Number, if applicable

MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 400  
McLean, Virginia 22102

Address

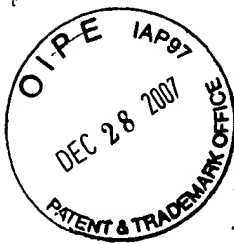
(703) 760-7748

Telephone Number

Enclosures:

- ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Copy of Date-Stamped Return Receipt Postcard
- ☐ Copy of Response to Notice to File Missing Parts as originally filed
- ☐ Copy of Declaration as filed

**RECEIVED****JAN 07 2008****OFFICE OF PETITIONS**



Please return this card, indicating receipt date and Serial No., if applicable, of the following:  
Transmittal of Missing Parts of NonProvisional Application (in duplicate);  
Declaration/Power of Attorney (executed); Copy of Notice to File Missing Parts of  
NonProvisional Application - Filing Date Granted; Check for \$65.00 (surcharge)

Applicant(s): Victor V. GOGOLAK

Title: A METHOD FOR GRAPHICALLY DEPICTING DRUG ADVERSE  
EFFECT RISKS

Serial No.: 09/681,586

Filing Date: May 2, 2001

Docket No.: QED0003

Due Date: July 29, 2001

DPL/jmpb/47302.251884/QED0003



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QED0003



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Victor GOGOLAK

Group Art Unit: 2166

Serial No.: 09/681,586

Examiner: Not Assigned

Filed: May 2, 2001

For: A METHOD FOR GRAPHICALLY DEPICTING DRUG ADVERSE EFFECT RISKS

**TRANSMITTAL OF MISSING PARTS OF NONPROVISIONAL APPLICATION**

Assistant Commissioner for Patents

Box: MISSING PARTS

Washington, D.C. 20231

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Sir:

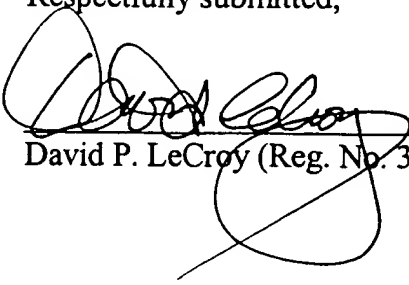
Responsive to the Notice to File Missing Parts of NonProvisional Application -- Filing Date Granted mailed May 29, 2001, the following items are submitted herewith to complete the formal filing requirements for the above-identified application:

- (1) Declaration/Power of Attorney for this patent application executed by the inventor;
- (2) Check for the following:
  - \$65.00 for surcharge fee pursuant to 37 CFR § 1.16(e);
  - and
- (3) A copy of the Notice to File Missing Parts of NonProvisional Application - Filing Date Granted mailed on May 29, 2001.

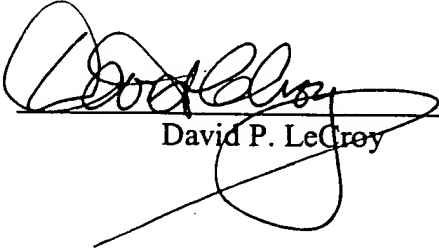
If any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same, or to credit any overpayment, to Deposit Account No. 501458. A duplicate copy of this correspondence is enclosed for that purpose.

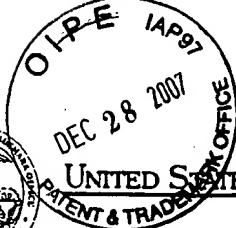
Respectfully submitted,

Date: 14 June 2001  
KILPATRICK STOCKTON LLP  
11130 Sunrise Valley Drive, Suite 300  
Reston, VA 20191-4329  
(703) 648-8500

  
David P. LeCroy (Reg. No. 37,869)

I hereby certify that this document, and any attachments referred to therein, is being deposited on June 15, 2001 with the United States Postal Service as first class mail in an envelope, postage prepaid, addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231.

  
David P. LeCroy



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/681,586	05/02/2001	Victor V. Gogolak	QED0003

CONFIRMATION NO. 6777

## FORMALITIES LETTER



\*OC000000006125231\*

28694  
TRACY W. DRUCE  
KILPATRICK STOCKTON LLP  
11130 SUNRISE VALLEY DRIVE  
SUITE 300  
RESTON, VA 20191-4329

Date Mailed: 05/29/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

---

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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THIS DOCUMENT HAS A VOID FEATURE IN THE COLORED BACKGROUND

**KILPATRICK STOCKTON LLP**  
OPERATING ACCOUNT  
11130 SUNRISE VALLEY DRIVE, SUITE 300  
RESTON, VA 20191

DATE  
06-14-01

FIRST UNION NATIONAL BANK  
firstunion.com  
R/T 053000219

NO. 200158

66-21/530

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SIXTY-FIVE AND 00/100 Dollars

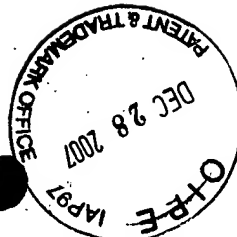
\$\*\*\*\*\*65.00

VOID AFTER 180 DAYS  
TWO SIGNATURES REQUIRED OVER \$2,000

Commissioner of Patents

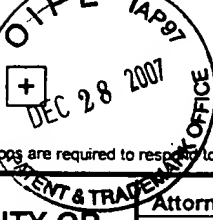
TO  
THE  
ORDER  
OF

*Donald F. Kond*





Please type a plus sign (+) inside this box



PTO/SB/01 (10-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration  
Submitted With Initial  
Filing  
OR  
☒ Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number QED0003

First Named Inventor GOGOLAK

**COMPLETE IF KNOWN**

Application Number 09/681,586

Filing Date 05/02/2001

Group Art Unit Unknown

Examiner Name Not Assigned

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As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**A METHOD FOR GRAPHICALLY DEPICTING DRUG ADVERSE EFFECT RISKS**

the specification of which (Title of the Invention)

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY)

05/02/2001

as United States Application Number or PCT International

Application Number 09/681,586 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY) Country	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

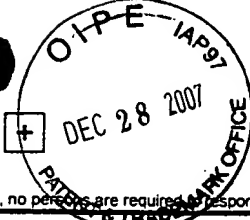
I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box →



PTO/SB/01 (10-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to:

☒ Customer Number  
or Bar Code Label

28694

OR

☐ Correspondence address below

Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given  
Name

Victor

Family Name  
or Surname

GOGOLAK

Inventor's  
Signature

Date

5/25/01

Residence: City

McLean

State

Virginia

Country

United States

Citizenship

US

Mailing Address

934 Douglass Drive

Mailing Address

City

McLean

State

Virginia

ZIP

22101

Country

United States

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given  
Name

Family Name  
or Surname

Inventor's  
Signature

Date

Residence: City

State

Country

Citizenship

Mailing Address

Mailing Address

City

State

ZIP

Country

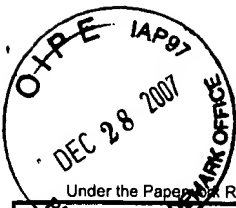
☐

Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

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<b>FEE TRANSMITTAL</b> For FY 2008  <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<b>Complete if Known</b>		
		Application Number	09/681,586	
		Filing Date	May 2, 2001	
		First Named Inventor	Victor V. GOGOLAK	
		Examiner Name	Not Yet Assigned	
TOTAL AMOUNT OF PAYMENT (\$)		1,540.00	Art Unit	3626
			Attorney Docket No.	597932000200

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**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>
				<u>Fee (\$)</u> <u>Fee Paid (\$)</u>

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1453 Petition to revive unintentionally abandoned ... 1,540.00

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	36,119
Name (Print/Type)	Peter J. Davis	Telephone	(703) 760-7748
		Date	December 28, 2007